

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

DEC 04 2019

UNITED STATES OF AMERICA, *ex. rel.*)
MARK J. O'CONNOR and SARA F. LEIBMAN,)

Plaintiffs,)

v.)

U.S. CELLULAR CORPORATION, USCC)
WIRELESS INVESTMENT, INC., TELEPHONE)
AND DATA SYSTEMS INC., KING STREET)
WIRELESS, L.P., KING STREET INC.,)
ADVANTAGE SPECTRUM, L.P., FREQUENCY)
ADVANTAGE, L.P., NONESUCH, INC.,)
WILLIAM VAIL, and ALLISON CRYOR)
DINARDO,)

Defendants.)

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY _____, DEPUTY

CIV-15-510-D
FILED IN CAMERA
AND UNDER SEAL
(31 U.S.C. § 3730(b)(2))

UNITED STATES' MOTION TO LIFT THE SEAL

On November 8, 2019, the Court entered an Order requiring that the United States “file a motion to unseal this matter as soon as is practical, but no later than the date on which the United States files a notice regarding its election to intervene in the related case, Case No. CIV-15-370-D.” Doc. No. 43. Pursuant to the Court’s Order, the United States gives notice that on this date it has filed its intervention decision in Case No. CIV-15-370-D, and moves that the Court unseal this file as set forth herein.

Although the United States has declined to intervene in this case, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their

reasons for consenting.” *Id.* Therefore, the United States requests that, should either the Relators or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, the written consent of the United States be obtained before a final ruling is issued.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States and that orders issued by the Court be sent to counsel for the United States. The United States further reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date, and to seek the dismissal of Relators’ action or claims. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that only the Relators’ Complaint, this Motion to Lift the Seal, and the proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States’ investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this Motion.

Respectfully submitted,

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Assistant Attorney General, Civil Division

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United States Attorney

s/ Ronald R. Gallegos
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CERTIFICATE OF SERVICE

____ I hereby certify that on (date), I electronically transmitted the attached document to the Clerk of Court using the ECF System. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrant:

ECF SERVICE NOT APPROPRIATE - CASE UNDER SEAL

____ I hereby certify that on (date), the attached **FILING UNDER SEAL** document was mailed, postage prepaid, to the following:

None, as this matter is filed in camera and under seal.

s/ Ronald R. Gallegos
RONALD R. GALLEGOS